

HOME (POLICE) DEPARTMENT
The 18th November, 1969

No. 22421-B(H) Deputation.—The Governor of Haryana was pleased to place the services of Shri M. L. Chhiber, IPS, at the disposal of the Government of India for employment as Assistant

Director in the Senior Scale of IPS plus a special pay of Rs 300 p. m. in the Cabinet Secretariat for a period of three years in the first instance, with effect from the afternoon of 11th November, 1969 when he relinquished the charge of the post of the Superintendent of Police, Crime, C. I. D., Haryana, at Chandigarh.

The 19th November, 1969

No. 22435-B(H) Deputation.—The Governor of Haryana was pleased to place the services of Shri D. D. Kashyap, I. P. S., at the disposal of the Government of India, Cabinet Secretariat initially for a period of three years with effect from the 20th February, 1969, afternoon, when he relinquished charge of the office of the Commandant, 2nd Haryana Armed Police Battalion, Nilokheri. While on deputation, he will be entitled to his grade pay plus a special pay of Rs 200/- Per Mensem.

J. C. VACHHER, Jr. Secy.

HEALTH DEPARTMENT

The 19th November, 1969

No. 7686-ASOIII-HBII-69/26799.—In supersession of Haryana Government Health Department notification No. 1300-ASOIII-HBII-67/7544 dated the 3rd April, 1967 and in exercise of the powers conferred by Sub-Section (i) of Section 21 of Drugs and Cosmetics Act, 1940, the Governor of Haryana hereby appoints Shri O. P. Aggarwal Assistant State Drugs Controller, Haryana to be the Inspector, for whole of the State of Haryana in addition to his own duties for the Inspection of firms manufacturing drugs specified in Schedule C and C(i) of the Drugs and Cosmetics Rules 1945 and drugs other than those specified in Schedules C and, C(i) of the said rules.

B. L. AHUJA, Secy.

LABOUR DEPARTMENT

The 17th November, 1969

No. 8390-A.S.O.(E)-Lab-69/27986.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Rohtak Delhi Transport Ltd., Rohtak.

**BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Application No. 38/1 of 1968 under section 33-A of the Industrial Dispute Act, 1947

SHRI BALBIR SINGH, S/O JOT RAM CHECKER

Complainant

Versus

THE MANAGEMENT OF M/S ROHTAK DELHI TRANSPORT PRIVATE LTD., ROHTAK
Opposite Party

Present :

Shri S. N. Vats for the complainant.

Shri Chanchal Singh, for the respondent management.

AWARD

An industrial dispute between the workmen and the management of M/s Rohtak Delhi Transport Private Ltd., Rohtak with regard to certain matters was pending in this Tribunal and was registered as reference No. 38 of 1968. During the pendency of this reference the management retrenched from service Shri Balbir Singh complainant who was employed by them as a checker. Shri Balbir Singh has filed a complaint under-section 33-A of the Industrial Disputes Act, 1947 on the ground that he was serving in a permanent capacity and the management could not terminate his services without the express permission of

this Tribunal in which an industrial dispute between the workmen and the management was pending and thus the management have committed a breach of Section 33 of the Industrial Disputes Act. It is, prayed that the complainant may be reinstated with continuity of service and full back wages.

A preliminary objection has been raised on behalf of the management that the application filed by the workmen was defective in as much as it is not mentioned in what manner the provisions of section 33 of the Industrial Disputes Act have been contravened. On merits it is pleaded that the complainant was retrenched from service in accordance with law and no prior permission of this Tribunal was necessary because the complainant is not a workman concerned in the industrial dispute pending in this Tribunal. The pleadings of the parties gave rise to the following issues:-

1. Whether the application in its present form is defective?
2. Whether the application is not maintainable because no contravention of Section 33 is declared?
3. Whether the applicant is not a workman concerned in the dispute pending in this Tribunal?
4. Whether the retrenchment of the applicant was justified and in order? If not, to what relief he is entitled?

The parties have produced evidence in support of their respective contentions and I have heard the learned representatives of the parties and have carefully gone through the record. In my opinion the complaint is bound to fail on the preliminary ground that the provisions of section 33 of the Industrial Disputes Act have not been contravened and therefore no complaint under section 33-A of the said Act is competent and it is not possible to decide in these proceedings whether the retrenchment of the complainant is in accordance with law or not.

The learned representative of the complainant during the course of arguments conceded that he does not press his contention that it was incumbent upon the management to seek the express permission of this Tribunal before effecting the retrenchment of the complainant. The learned representative of the complainant simply contended that the provisions of clause (b) of sub-section (2) of Section 33 of the Industrial Disputes Act would apply in the present case and it was necessary for the management to get the approval of the Tribunal for the action taken by them against the complainant. It is submitted that in fact the management have terminated the services of the complainant with a view to victimise him because of his trade union activities and his so called retrenchment was only a camouflage for getting rid of him. It is submitted that the management have effected a change in the condition of service applicable to the workmen immediately before the commencement of the industrial dispute which arose between the parties and which was referred to this Tribunal for adjudication and for this reason also the retrenchment of the complainant from service was hit by the provisions of clause (a) of sub-section (2) of Section 33 of the Industrial Disputes Act. Reliance has been placed upon the three authorities cited as 1960-I-LLJ-531, 1960-I-LLJ-180 and 968-I-LLJ-125 in support of the submissions made by the learned representative of the workmen.

I have carefully considered the submissions of the learned representative of the complainant and in my opinion there is no substance in them and the authorities relied upon by him are clearly distinguishable. The industrial dispute which was pending between the parties and was referred to this Tribunal was with regard to trip allowance, commission on booking night allowances claimed by the drivers and conductors, dearness allowance claimed by all the workmen deputing senior conductors and drivers on special trips and abolishing of contract system in the workshop. The present dispute is not in any way connected with the disputes pending between the parties and which have been referred to this Tribunal for adjudication. The case of the management is that the complainant was a checker and he was retrenched from service to effect economy by removing surplus staff of various categories. It is urged that apart from the complainant another checker and three other workmen were retrenched and the complainant was not the only person who was singled out. Although during the course of arguments the learned representative of the complainant tried to make out a case that the retrenchment of the complainant was simply a camouflage but the complainant himself in his evidence has stated that he was retrenched from service and real dispute which requires determination in this case would be whether the retrenchment of the complainant is valid or not.

The authorities relied upon by the representative of the complainant are distinguishable in 1960 I-LLJ-531, the facts were that the workmen concerned as a field service presented to a firm of Automobiles Ltd., Bombay. The management ended the services of seven employees who were working under the Field Service Representative as apprentices. This gave rise to a bind strike. Therefore a number of complaints were filed to have been received by the management against the Field Service Representative and his explanation was called which was not found satisfactory and his services were terminated by abolishing his post. A complaint under Section 33-A of the Industrial Disputes Act was filed. It was

pleaded on behalf of the workman that there was in fact no necessity to abolish the post and his services were terminated solely because he had been taking interest in the dispute raised by the seven apprentices. After recording the evidence the Court came to the conclusion that the order of the employer that it had become necessary to abolish the post of Field Service Representative was not well founded and the services of the complainant had been terminated because the management disapproved of his conduct in supporting the case of the seven apprentices in the main industrial dispute. This we see that in this case the Court came to the conclusion that the so called retrenchment was not bonafide. The authority cited as 1960 I-LLJ-780 is also distinguishable. In this case the employer had given a notice of change under Section 9-A of the Industrial Disputes Act for introducing a scheme for rationalisation which was likely to render some of the workmen superfluous and also to increase the work load. This gave rise an industrial dispute. The question referred for adjudication was regarding the justifiability of the scheme. Pending adjudication the employer attempted to introduce the new scheme without obtaining the prior permission of the Industrial Tribunal in which the reference was pending. The workmen refused to work as per new scheme of rationalisation and the employer declared lockout. It was held that the management could not alter the conditions of service under these circumstances and the rest of the workmen to work under these circumstances were justified. The authority cited as 1968-I-LLJ-125, is also inapplicable. In this case an industrial dispute was pending between the workmen and the management regarding the strength of the work charge staff which needed to be converted on regular basis and without waiting for the final decision of this dispute the management retrenched a number of daily rated work charged mazdooris. It was held that it amounted to alteration in the conditions of service during the pendency of the dispute and it could not be permitted. In the present case we have already seen that the dispute which is pending between the workmen and the management has absolutely no connection with the action taken by the management against the complainant and a number of other persons have also been retrenched along with the complainant. The case of the complainant would have been covered by Section 33(2)(b) of the Industrial Disputes Act if the management had discharged him from service or punished him whether by dismissal or otherwise. The complainant has not been punished in any manner. It must, therefore, be held that the provisions of Section 33 of the Industrial Disputes Act have not been contravened and the present complaint is not competent. It is, therefore, dismissed on this preliminary ground.

No order as to costs.

P. N. THUKRAL,
PRESIDING OFFICER,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 16th October, 1969.

No. 3728, dated the 22nd October, 1969

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
PRESIDING OFFICER,
Industrial Tribunal, Haryana,
Faridabad.

The 20th November, 1969

No. 8432-A.S.O.(E)-Lab-69/28399.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. X.V of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Power Loom Owner's Association, N.I.T., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 30 of 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S POWER LOOM OWNER'S ASSOCIATION N. I. T., FARIDABAD

Present.—

Shri Darshan Singh, for the workmen.
Shri Jaswant Singh, for the management.

AWARD

An industrial dispute arose between the workmen and the management of the Power Loom Owner's Association N. I. T., Faridabad with regard to the increase in wages. The dispute could not be settled amicably. The President of India, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act referred the following dispute to this Tribunal for Adjudication, — vide Government Gazette Notification No. ID/FD/335A, dated 18th April, 1968 —

Whether the wages of the workers should be increased? If so, with what details and from which date?

On receipt of the reference usual notices were issued to the parties and the issues which arose from the pleadings of the parties were framed and some evidence was recorded. It is, however, not possible to give an finding on the merits of the case because the parties have entered into an arbitration agreement under Section 10A of the Industrial Disputes Act, 1947 and have agreed that the dispute pending between them be decided by Shri Munshi Ram, Deputy Commissioner, Gurgaon as an arbitrator. In view of this agreement the reference has become infatuous. I give my award accordingly.

No order as to costs.

P. N. THUKRAL,

PRESIDING OFFICER,

Industrial Tribunal, Haryana,
Faridabad.

Dated the 21st October, 1969.

—
No. 3764, dated the 24th October, 1969

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

PRESIDING OFFICER,

Industrial Tribunal, Haryana,
Fridabad.

Date the 21st October, 1969.

H. S. ACHREJA, Secy.

Lists of letters of intent issued to parties who have applied for licence under the Industries Development & Regulation Act, 1951.

Name, / address of the undertaking (and Proposed Location)	Articles of manufacture, capacity and type of licence applied for	Letter of intent No. and date	Issued during the week ending
1	2	3	4
1. M/s. Vijender Kumar, 3457, Delhi Gate, P. O. Box 1179, Delhi 6, (Haryana) 2.	Schd. Ind. No. 5: Electrical Equipment Dry Cells—60 million Nos. p. a (N.U.) Schd. Ind. No. 9: Machine Tools Broaching Machines—100 Nos. p. a. (N.A.)	2(1) 68/LEEI, dated 18th May, 1969 4(1) 68 MT, dated 18th April, 1969	10th and 17th May, 1969 Ditto
The Managing Director Hindustan Machine Tools Ltd., Bangalore- 31 (Haryana)			

Name, Address of the undertaking (and Proprietary Location)	Articles of manufacture capacity and type of licence applied for	Letter of intent No. and date	Issued during the week ending
1	2	3	4
3. M/s Goodyear India Ltd., 225-C, Acharya, Jagdish Bose Road, Calcutta (Haryana)	Schd. Ind. No. 30: Rubber Goods Automobile tyres and Tubes 87,000 Nos. p. a. (S. E.)	29(21)6/LI(U). dated 18th April, 1969	10th and 17th May, 1969
4. M/s J. K. Industries, 7, Council House Street, Calcutta-I (Haryana)	Schd. Ind. No. 6: Telecommunications 1. Connectors—10 Lakhs pairs p. a. 2. Relays—1 Lakhs pairs p. a. (N.U.)	30(6)/69/DS. dated 23rd May, 1969	24th and 31st May, 1969
5. M/s Telefunken India, Ltd. G-4, N.D.S.E.I., New Delhi 3 (Haryana)	Radio Receivers—180 000, Nos. p.a. (capacity after expansion 3,00,000 Nos. p.a.) (S. E.)	40(1)-68-DS, dated 25th May, 1959	Ditto
6. M/s Hindustan National Glass Mfg Co. Ltd., 2 Wellesley Place Post Box No. 2722, Calcutta-1 (Haryana)	Schd. Ind. No. 3: Glass Glass bottles—Additional capacity— 12,000 tonnes p. a. (S.E.)	14(5)/C8/LI(I). dated 9th July, 1959	19th July, 1969

List of licences issued under the Industries (Development and Regulation) Act, 1951.

Name and full address of Industrial undertakings (and location)	Articles of manufacture and capacity (type of licence) (i.e. Nu/SE/NA/C.O. B/ Shifting)	Licence No. and date	Issued during the week ending
1. Shri H. L. Somany, 2. Wellesley Place, Calcutta 1 (Haryana) (Somany Pilkington's Ltd.)	Schd. Ind. No. 34: Ceramics Glazed Tiles 5,400 tonnes p. a. (N.U.) (N.U.)	L/34/7/109/69-LI(I) dated 4th June, 1969	7th, 14th and 21st June, 1969
2. M/s Lynx Machinery Ltd., 23-A, Netaji Subhas Road, Calcutta 1 (Haryana)	Schd. Ind. No. 7: Transportation Aircraft Refuellers 100 Nos. p.a. (N.A.)	L(7)(5)/6/69-AEI(I) dated 30th June, 1969	19th July, 1969

List of licences Revoked/surrendered under the Industries (Development and Regulation) Act, 1951.

Licence No., Date, Type of licence and (location of undertaking)	Name of the Party	Articles of manufacture	During the week ending
1. L/23(3)/23/Tex E/15, dated 1st April, 1965 Haryana (S.E.) Revoked	M/s Panipat Woolen and General Mills Ltd.	Woollen yarn	7th, 14th and 21st June, 1969
2. L/78/I/10/66 LI(I), dated 7th November, 1968 Haryana (N.U.) Revoked	M/s Seth Oil Mills(P) Ltd.	Cotton Seed Oil	Ditto

CORRIGENDUM

In Haryana Government, Revenue Department, Notification issued,—vide No. G. S. R.-CA('2 1884 S. 1 Amd. 69 dated the 22nd September, 1965, the amount of Rs 1500 in column No. 5 against serial No. 25 of Table 'B' may please be read as Rs 15,000.

G. S. BINDRA, H. C. S., Under Secy.